

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan Drizen et al.

Serial No.: Not yet assigned

Filing Date: November 7, 2001

Title: **TOPICAL DRUG PREPARATIONS**

(Divisional of U.S. Pat. Appl. No. 09/288,233, filed April 8, 1999, which is a continuation application of U.S. Pat. Appl. No. 08/796,578, filed on February 6, 1997, which is a continuation-in-part application of U.S. Pat. Appl. No. 08/536,750, filed on September 29, 1995)

**TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Filing Form For Divisional U.S. Patent Application;
- (3) Copy of Parent Application S.N. 09/288,233 consisting of:
  - 37 Pages Application including:
    - 28 Pages of Textual Specification
    - 8 Pages of 44 Claims
    - 1 page Abstract of the Disclosure;
- (4) Preliminary Amendment;
- (5) Check No. 15724 in the amount of \$538.00 for filing fee; and
- (6) Postcard for early notification of serial number.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

By: \_\_\_\_\_

*Gary M. Nath*  
Gary M. Nath  
Registration No. 26,965  
Customer No. 20529

Date: November 7, 2001  
NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005

11/07/01  
09/986183  
11/07/01

11/07/01  
J1051 U.S. PTO

11/7/01

BOX PATENT

Atty. Docket No.: 23857A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan Drizen et al.

Serial No.: Not yet assigned

Filing Date: November 7, 2001

Title: **TOPICAL DRUG PREPARATIONS**

FILING FORM

FOR DIVISIONAL U.S. PATENT APPLICATION

Commissioner of Patents  
Washington, D.C. 20231

Sir:

1. This is a Request for filing a  
    \_\_\_ Continuation Application under:  
        \_\_\_ 37 CFR § 1.53(b)(1)  
    XX Divisional Application under:  
        XX 37 CFR § 1.53(b)(1)  
    \_\_\_ Continuation-In-Part (CIP) application  
        \_\_\_ 37 CFR § 1.53(b)(2)

of **prior** ("parent") application:  
    Serial No. 09/288,233  
    Filed: April 8, 1999  
    Entitled: **TOPICAL DRUG PREPARATIONS**

which is a continuation of **prior** application:

    Serial No. 08/796,578  
    Filed: February 6, 1997  
    Entitled: **TOPICAL DRUG PREPARATIONS**

which is a continuation-in-part of **prior** application:

Serial No. 08/536,750

Filed: September 29, 1995

Entitled: **SUSTAINED RELEASE DELIVERY SYSTEM**

XX \*Enclosed for application under 37 CFR §§ 1.53(b) are:  
37 pages of text (specification, claims, abstract)  
44 claims  
0 sheets of drawings

3. The **present** application names the following inventor(s):

Alan Drizen  
 Peter Rothbart  
 Gary M. Nath

— (37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

— Enter the Amendment filed in the prior patent application on \_\_\_\_\_ prior to calculating the filing fee.

XX Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)			(Col 2)	SMALL ENTITY		OR	NON-SMALL ENTITY	
NUMBER OF CLAIMS FILED			NUMBER OF EXTRA CLAIMS	RATE	FEE		RATE	FEE
TOTAL	27	minus 20	7	x9=	63		x18=	0
INDEP	6	minus 3	3	x40=	120		x80=	0
BASE FILING FEE:				+355=	355		+710=	0
<u>XX</u> Multiple Dependent Claims				+130=	0		+270=	0
				TOTAL	538	OR TOTAL		0

- XX Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:
- XX was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);
- \_\_\_ is filed herewith;
- \_\_\_ will be filed at a later date.

XX A check including the \$538.00 filing fee is enclosed.

\_\_\_ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$\_\_\_ extension fee.


\_\_\_ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$\_\_\_ per Assignment.

\_\_\_ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

XX The prior application is assigned of record to L.A.M. Pharmaceutical Corp., 800 Sheppard Avenue West, Commercial Unit 1, North York, Ontario, CANADA M3H 6B4, the Assignment being recorded on January 23, 2001 on Reel 011449, Frame(s) 0526.

\_\_\_ An original executed Declaration is enclosed.

XX Amend the specification by inserting before the first line the sentence:

 --This application is a divisional application of U.S. patent application Serial No. 09/288,233 filed April 8, 1999, which is a continuation of patent application Serial No. 08/796,578, filed February 6, 1997, which is a continuation-in-part application of U.S. Patent application Serial No. 08/536,750, filed September 29, 1995, the entire contents of which are hereby incorporated by reference in its entirety.--

\_\_\_ Foreign priority under 35 U.S.C. § 119 of \_\_\_\_\_ application(s) \_\_\_\_\_, filed \_\_\_\_\_, is hereby claimed. The certified priority paper(s):

\_\_\_ was/were filed in the parent case;  
\_\_\_ is/are enclosed herewith;  
\_\_\_ will be submitted at a later date.

XX The power of attorney in the prior application is to Gary M. Nath, Reg. No. 26,965, Customer No. 20529.

XX The power appears in the original papers in the prior application.

XX Address all future communications to:

Gary M. Nath  
**NATH & ASSOCIATES PLLC**  
1030 Fifteenth Street, N.W., Sixth Floor  
Washington, D.C. 20005

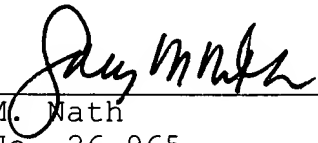
\_\_\_ If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

XX The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: November 7, 2001

  
\_\_\_\_\_  
Gary M. Nath  
Reg. No. 26,965  
Customer No. 20529

**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> Street, NW - 6<sup>th</sup> Floor  
Washington, D.C. 20005  
Tel: (202) 775-8383  
Fax: (202) 775-8396

GMN/114:ayd